



U.S. DEPARTMENT of STATE

Denmark

Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

Denmark is a constitutional monarchy with parliamentary democratic rule in which citizens periodically choose their representatives in free and fair multiparty elections. Queen Margrethe II is head of state. The Government, which is accountable to the unicameral Parliament (Folketing), is headed by the Cabinet. A minority center-right coalition government led by the Liberal Party remained in power since elections in 2001. The judiciary is independent.

The national police have sole responsibility for internal security. The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The advanced, market-based industrial economy provided residents with a high standard of living. The population was approximately 5.4 million. Nearly one-quarter of the work force was employed in the public sector. The key industries were food processing and metalworking; a broad range of industrial goods was exported.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Trafficking in women for prostitution remained a problem, but the Government took steps to address it.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no political killings; however, a police officer was tried and acquitted on charges of misconduct in killing one person and injuring another.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. A 2002 study by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) found that police establishments and prisons met the CPT criteria. The Committee recommended a few improvements including limiting periods of solitary confinement to shorter periods and confining women in the same area as men only when they expressly agree to the conditions and when the areas are supervised adequately. The CPT study also found no allegations of mistreatment at psychiatric hospitals, but recommended that the use of physical immobilization be reviewed.

In 2002, seven inmates died in prison, three of whom were suicides. There were no indications of wrongdoing by the Government or its officials.

Men and women were held separately except for some voluntary gender integration. Juvenile detention facilities

existed; only those juvenile offenders convicted of the most violent crimes were incarcerated. The law provides that "violent" juvenile offenders between the ages of 15 and 17 may be sent to adult correctional facilities, but they were segregated from violent adult inmates. The Social Ministry began constructing new facilities for youth offenders during the year. Pretrial detainees were held in remand centers, which also held nonviolent convicted criminals serving sentences of 30 months or less.

The Government permits visits by independent human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The Constitution provides persons under arrest the right to a hearing before a judge within 24 hours of arrest. A judge who decides to hold persons in detention must issue an order explaining the decision. The Constitution allows for the immediate appeal of detention orders.

The national police, under the Ministry of Justice, have sole policing authority in the country. There are 54 police districts (plus the Faroe Islands and Greenland) and a National Commissioner's Office. The Minister of Justice, with the approval of the Parliament, appoints the police chiefs of each district and the National Commissioner. The National Commissioner is responsible for eight departments with responsibilities that include personnel, finances, vehicles, buildings, equipment, intelligence, forensics, the Crime Prevention Council, and the Police College. There were no reports of police corruption.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system consists of a series of local and regional courts, with the Supreme Court as the highest court; there are no military courts or tribunals. A military criminal code exists, but enforcement is in the public judicial system.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law provides for defendants' right to timely consultation with an attorney, at public expense if needed. Defendants and their attorneys have access to government evidence relevant to their case. Defendants have the right to question witnesses against them and to present their own witnesses; they are presumed innocent until proven guilty; and the right of appeal encompasses both procedural matters and sentences imposed.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. However, the 2002 tightening of the immigration law continued to be a problem, particularly in the area of family unification. According to the original legislation, for a foreign spouse to receive a residency permit, both spouses or partners must: Be over age 24, live together at the same residence in the country, and have ties to the country stronger than their combined ties to another country. The legislation was designed to improve immigrants' integration into society. However, it also made it difficult for any citizen who had resided overseas to bring a foreign spouse back to the country. As a result, in September, Parliament approved legislation that made it easier for most native citizens to get residency permits for their foreign spouses. The new law waives the requirements on ties to the country for citizens with 28 years of citizenship or 28 years of residency from childhood. The legislation also includes provisions that stop family unification for cousin marriages and lower the age limit for family unification for children from 18 to 15 years of age.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these

rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to provide freedom of speech and of the press, including academic freedom.

The independent press was active and expressed a wide variety of views without government restriction. The Government owned four of the five national television networks. There were several private satellite and cable television channels, and foreign television stations' broadcasts were accessible to most citizens in Swedish, Norwegian, English, and German. There were 4 government-owned radio stations and approximately 100 local private radio stations. The Government did not exercise editorial control over its radio and television outlets.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for religious freedom, and the Government generally respected this right in practice.

The Constitution provides for an official state religion, the Evangelical Lutheran Church, which was subsidized by the Government. The Government does not require that religious groups be licensed; however, the State's permission is required for religious ceremonies, such as weddings, to have civil validity.

The Evangelical Lutheran faith was taught in public schools, but students may withdraw from religious classes with parental consent.

During the year, there were isolated incidents of anti-Semitic and anti-immigrant vandalism, primarily graffiti, which the Government criticized and investigated.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

c. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government provided temporary protection and in the first 7 months of the year granted it to 1,661 persons out of a total of 2,531 applications filed (a recognition rate of 28 percent), reflecting a decline in the number of applications but stability in the recognition rate. The decrease in the total number of applications, from 12,512 in 2001 and 6,068 in 2002, may be attributed to fewer refugees and asylum seekers coming from Iraq and Afghanistan, as well as to the tightening of asylum and refugee policy. The Government's immigration legislation (the Alien Act), which took effect in July 2002, continued a trend of further restricting the standards for granting asylum and also decreased welfare for immigrants (see Section 1.f.). The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

The Alien Act provides that refugees traveling to their countries of origin on holiday will automatically have their cases reassessed (see Section 5). If they are found to no longer be persecuted in their country of origin, they will be returned after residency is revoked.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The territories of Greenland (whose population is primarily Inuit) and the Faroe Islands (whose inhabitants have their own Norse language) have democratically elected home rule governments whose powers encompass all

matters except foreign and national security affairs, police services, the judiciary, and monetary matters. Greenlanders and Faroese are Danish citizens with the same rights as those in the rest of the Kingdom. Each territory elects two representatives to the Parliament.

There were 68 women in the 179-seat Parliament, and 5 of 18 ministers in the Government were women. Women also accounted for 44 percent of the newly elected public council boards and committees. There were two Muslim Members of Parliament, who were elected in general, non-reserved districts; there were no members of minority groups in the cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and the law prohibit discrimination on the basis of sex, creed, or ethnicity. The law also prohibits discrimination on the basis of race, national or ethnic origin, or faith. The Government carefully protected the rights of the country's indigenous people.

The Government's operations and extensive public services do not discriminate on the basis of any of these factors. However, according to legislation passed on July 1, individuals who have not resided legally in the country for at least 7 of the last 8 years receive lower social benefits payments than other citizens and residents. The Danish Center for Human Rights cited this policy as indirect discrimination against foreigners.

Women

Violence against women was a problem, which the Government took steps to combat with its 2002 action plan that included: A pilot project offering violent family members therapy in the form of dialogue with their victims and health care professionals; an amendment to the Social Services Act that sets minimal living standards for shelters; increased funding for shelters; and authorization for the police to remove the violent person from the household. In November, the Government initiated a new phase of the action plan: Informative posters and signs about violence against women were hung in buses and trains, and brochures about how to get help were placed in doctors' offices, pharmacies, and other public places. An umbrella nongovernmental organization (NGO) reported that in 2002 women's crisis shelters were contacted 9,420 times, compared with 10,483 times in 2001. A total of 1,935 women stayed at shelters during 2002. There were 500 reported rapes in 2002 and 188 during the first 6 months of the year. The Institute for Public Health estimated that at least 65,000 women were exposed to domestic violence each year, and that domestic violence affected approximately 30,000 children. Rape, spousal abuse, and spousal rape are criminal offenses, and the Government effectively prosecuted those accused of such crimes. Statistics were not available regarding the numbers of abusers who were prosecuted, convicted, and punished. The Government also took steps to combat forced marriage among immigrant groups.

Trafficking in women for the purpose of prostitution was a problem, which the Government took steps to combat (see Section 6.f.). Prostitution was legal, but pimping, coercion into prostitution, solicitation of prostitution from a minor, and trafficking were illegal.

The law requires equal pay for equal work, but, in practice, female workers earned about 14 percent less than their male counterparts. The law prohibits job discrimination on the basis of sex and provides recourse, such as access to the Equal Status Council, for those affected. Women held positions of authority throughout society, although they were underrepresented in senior business positions and as university professors. Women's rights groups lobbied the Government on matters of concern, such as wage disparities and parental leave. Only 41 percent of women from ethnic minority groups were active in the labor market, in contrast to 75 percent of other women. The Government continued to take steps to bring more women from minority groups into the labor market.

Children

The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. Education was compulsory through the ninth grade and free through the university

level, and school attendance was nearly universal. The Ministries of Social Affairs, Justice, and Education oversee implementation of programs for children. According to the Organization for Economic Cooperation and Development, 96 percent of students graduated from high school and other youth education programs. Boys and girls were treated equally. Slightly more women than men completed post-secondary education.

There were some reports of child abuse, although there was no societal pattern of such abuse. The law prohibits the physical punishment of children by adults, including their parents.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. Building regulations require special facilities for persons with disabilities in public buildings built or renovated after 1977 and in older buildings that come into public use. The Government generally enforced these provisions in practice.

Indigenous People

The law protects the rights of the inhabitants of Greenland and the Faroe Islands. Greenland's legal system seeks to accommodate Inuit customs and it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons) where they were encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Inuit and Danish languages.

In 1999, a Danish court ordered the Government to compensate Greenlanders (and their descendants) whom the Government forcefully resettled in 1953 from a village adjoining a military base. The plaintiffs appealed that decision, seeking greater compensation and the return of their former properties. In February, the Government, including the Greenland Home Rule Government, signed an international agreement that returned the village to Greenland, and in November, the Supreme Court upheld the lower court's 1999 decision in full.

National/Racial/Ethnic Minorities

The inflow of ethnically and racially diverse refugees and immigrants (mostly Iranians, Palestinians, Pakistanis, Sri Lankans, Somalis, and refugees from the former Yugoslavia) caused some tension between citizens and immigrants, which was reflected in press reports on the failure of the immigrants to integrate and on the correlation between immigration and crime levels. In response to publicity concerning the involvement of foreigners in street crime and allegations of refugee social welfare fraud, Parliament tightened immigration laws in 1999 and passed additional comprehensive legislation (the Alien Act) in July 2002 (see Section 1.f).

The law abolished the status of de facto refugee; only persons entitled by international convention to protection are able to obtain residency (see Section 2.d.). Family reunification became more difficult, and immigrants and refugees may no longer acquire permanent residence by living in the country for 3 years; rather, they must now reside in the country for 7 years and demonstrate that they have integrated into society and developed ties to the country.

According to the Police Intelligence Services, during the first 11 months of the year, there were 30 cases of racial discrimination or racially motivated violence reported to the authorities, compared with 63 for all of 2002. Other incidents went unreported. Reported cases involved graffiti, vandalism, refusal of service, denial of entry, racist Internet messages, distribution of racist written materials, and low levels of violence. The victims were Jews, "people of an ethnic origin other than Danish" (usually meaning Muslim or African), Germans, and, in one incident, French. Minority group members were also sometimes the perpetrators of the incidents. The Government effectively investigated and dealt with cases of racially motivated violence.

Section 6 Worker Rights

a. The Right of Association

The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 85 percent of wage earners belonged to unions that were independent of the Government and political parties.

The law prohibits anti-union discrimination by employers against union members and organizers, and the

Government sponsored dispute resolution mechanisms. Employers found guilty of anti-union discrimination are required to reinstate workers fired for union activities.

Unions may affiliate freely with international organizations, and they did so actively.

b. The Right to Organize and Bargain Collectively

The right to organize is protected by law. Workers and employers acknowledged each other's right to organize.

There were approximately 2.7 million employees during the year. In 2000, 1.5 million persons were members of unions affiliated with the Confederation of Danish Labor (LO). The LO traditionally has had a close relationship with the Social Democrat Party, although the umbrella organization decided during the year to stop giving financial support to the party and instead allowed their member unions to decide if and how they would like to support individual political parties. There were also several independent unions not affiliated with any labor federations or umbrella organizations.

Collective bargaining is protected by law and is widespread in practice. In the private sector, salaries, benefits, and working conditions are agreed upon in biennial or triennial negotiations between various employers' associations and their union counterparts. If the negotiations fail, a national conciliation board mediates, and management and labor vote on its proposal. If the proposal is rejected, the Government may impose a legislated solution on the parties (usually based upon the mediators' proposal). The agreements were used as guidelines throughout the public as well as private sectors. In the public sector, collective bargaining was conducted between the employees' unions and a government group led by the Finance Ministry.

All unions except those representing civil servants or the military have the right to strike. Workers often exercised their right to strike, and in 2002, there were 193,600 workdays lost to strikes.

Labor relations in Greenland are conducted in the same manner as in Denmark. Greenland's courts are the first recourse in disputes, but Danish mediation services or the Danish Labor Court also may be used.

There is no umbrella labor organization in the Faroes, but individual unions engaged in periodic collective bargaining with employers. Disputes were settled by mediation.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum legal age for full-time employment is 15 years. The law sets a minimum of 13 years of age for any type of work. The law was enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor. Export industries did not use child labor.

The law prohibits forced and bonded labor by children, and such practices were not condoned. All forms of child exploitation were investigated and prosecuted (see Section 5).

e. Acceptable Conditions of Work

The law does not mandate a base national minimum wage, but national labor agreements effectively set a wage floor. The average net wage including pension benefits of adult workers in 2002 was \$21 (141 kroner) per hour, which is sufficient to provide a decent standard of living for a worker and family. The average gross wage, including amounts paid into pension funds and vacation funds was \$27 (179 kroner), up from \$26 (172 kroner) per hour in 2001. The law provides for 5 weeks of paid vacation per year, and labor contracts added an average of 4 extra paid holidays in 2001. Workers normally worked a 37-hour workweek, which is established by contract, not by law. The law requires at least 11 hours between the end of one work period and the start of the next.

The law also prescribes conditions of work, including safety and health; the duties of employers, supervisors, and employees; work performance; rest periods and days off; and medical examinations. The DWES ensures compliance with labor legislation. Workers may remove themselves from hazardous situations or weapons production without jeopardizing their employment rights, and legal protections cover workers who file complaints about unsafe or unhealthy conditions.

Similar work conditions were found in Greenland and the Faroes, except that the workweek also was established by contract at 40 hours. Foreign workers with residence and work permission enjoy the same rights as citizens. Illegal foreign workers have no such labor protection.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in women and children was a problem. In May 2002, Parliament passed a law specifically defining and criminalizing trafficking in persons. The new definition of trafficking in women includes essential components of force, fraud, or coercion. In December, after several months of investigation, the Copenhagen police arrested five men on trafficking and pimping charges; the case, the first to be brought under the 2002 trafficking law, was scheduled for trial in 2004.

The Government undertook efforts to combat trafficking in all forms, but the fact that prostitution was well-compensated and not unlawful in Denmark limited the legal tools available. The National Commissioner for Police maintained an internal task force on trafficking in persons, assisted local police constabularies with investigations, and trained its officers to recognize and investigate reports of trafficking. The Government cooperated with international investigations of trafficking and exchanged information with neighboring countries.

The country was both a destination and a transit point for women and children who were trafficked from the former Soviet Union countries, Eastern Europe, Thailand, and Africa to work as prostitutes. Victims lured by the prospect of higher wages and a better life, only to be forced into prostitution or have their passports withheld, were covered under the new law. Their traffickers were suspected to have ties to organized crime, specifically Russian and Baltic mafia, and were the subjects of ongoing police investigations and prosecutions.

The Government did not directly provide medical or legal assistance to victims; however, it funded an NGO that provides legal services to trafficking victims. The Government also funded several NGO hotlines to support victims, prevent trafficking, and gather data on the extent of the problem. Although the Government had no formal witness protection program, it provided safe surroundings with access to professional, social, medical, and psychological support to those waiting to testify in court.

An interagency working group that addresses trafficking (with members from the Ministries of Justice, Social Affairs, Gender and Equality, Employment, and Education, as well as from NGOs) met monthly to share information. In 2002, the Government allocated \$1.5 million annually (10 million kroner) for a 3-year strategy to combat human trafficking. The Ministries of Social Affairs and Gender Equality conducted an anti-trafficking advertising campaign in all major newspapers, subsidized a hotline and website, and funded an NGO program to identify trafficking victims and provide them with information on how they can get help. On October 1, the Action Plan came into full effect. New efforts included an outreach program to benefit foreign prostitutes, a new women's shelter, increased cooperation with source-country embassies, and additional data collection.